

## **IC 13-22-3**

### **Chapter 3. Permits**

## **IC 13-22-3-1**

### **Permit programs**

Sec. 1. The department shall operate permit programs for all hazardous waste facilities in accordance with IC 13-15.

*As added by P.L.1-1996, SEC.12.*

## **IC 13-22-3-2**

### **Issuance**

Sec. 2. The department shall issue permits for a hazardous waste facility constructed and operated in compliance with rules adopted by the solid waste management board.

*As added by P.L.1-1996, SEC.12.*

## **IC 13-22-3-3**

### **Restrictive covenants**

Sec. 3. (a) Before allowing the operation of a landfill for the disposal of hazardous waste, the commissioner and all the owners of the land upon which the landfill is located must execute and record a restrictive covenant upon the land involved. The department shall file the instrument imposing the restrictive covenant for record in the recorder's office in the county in which the landfill is located.

(b) The covenant must state that:

- (1) the land has been or may be used as a landfill for disposal of hazardous waste; and
- (2) neither the property owners, agents, or employees, nor any of their heirs, successors, lessees, or assignees, may engage in filling, grading, excavating, building, drilling, or mining on the property following the completion and closure of the landfill without authorization of the commissioner.

(c) Before the commissioner grants an authorization for the activities prohibited in the covenant, the commissioner shall review the following:

- (1) The original design of the landfill.
- (2) The type of operation.
- (3) The hazardous waste deposited there.
- (4) The state of decomposition of the hazardous wastes.

*As added by P.L.1-1996, SEC.12.*

## **IC 13-22-3-4**

### **Exceptions to requirements**

Sec. 4. There is no requirement for any of the following:

- (1) A manifest for onsite transportation.
- (2) A permit for treatment or recovery of hazardous waste generated as a residual or secondary material from a manufacturing process if the waste is:
  - (A) recycled;
  - (B) recovered; or

(C) reused;  
by the person that generated or utilized the waste.

(3) A permit for the utilization of secondary material under IC 13-22-11.5.

*As added by P.L.1-1996, SEC.12. Amended by P.L.45-1997, SEC.18; P.L.128-1997, SEC.6.*

### **IC 13-22-3-5**

#### **Exemptions**

Sec. 5. The commissioner may exempt the requirement for a permit for the storage, treatment, processing, or disposal of solid or hazardous wastes by a mining operation if:

- (1) the mining operation has a permit under IC 14-34; and
- (2) the commissioner determines that the department of natural resources is operating a program of regulation of solid and hazardous wastes derived from mining operations that is equivalent to the regulatory program for those wastes under the environmental management laws.

*As added by P.L.1-1996, SEC.12.*

### **IC 13-22-3-6**

#### **Application for construction permit; contents**

Sec. 6. (a) An application for a permit for a hazardous waste treatment, storage, or disposal facility must include a closure plan. If hazardous waste is to be disposed of at the facility, the application must also include a postclosure monitoring and maintenance plan.

(b) The closure plan required under subsection (a) must include at a minimum the following:

- (1) An estimate of the cost of closure.
- (2) A description of the method of closure.
- (3) Possible uses of the land after closure.
- (4) Anticipated time before closure.
- (5) An estimate of time to complete closure.

(c) The postclosure monitoring and maintenance plan required under subsection (a) must include at a minimum the following:

- (1) An estimate of the cost of postclosure monitoring and maintenance for a period of thirty (30) years.
- (2) A description of the system to be employed for security, groundwater and leachate monitoring, sampling analysis, and periodic reporting.

*As added by P.L.1-1996, SEC.12.*

### **IC 13-22-3-7**

#### **Prior convictions; denial of permit**

Sec. 7. An individual, a partnership, a limited liability company, or a corporation who or that has been:

- (1) convicted of a violation of the environmental management laws or IC 13-7 (before its repeal); and
- (2) fined or imprisoned under IC 13-30-6;

may not be issued a permit to own or operate a hazardous waste

facility.

*As added by P.L.1-1996, SEC.12.*

### **IC 13-22-3-8**

#### **Incinerator for destruction of PCB; permits**

Sec. 8. A permit may not be issued under this chapter for the construction or operation of an incinerator for the destruction of PCB at levels established under the federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or regulations adopted under the federal Toxic Substances Control Act and operated as a hazardous waste facility if the incinerator:

- (1) burns or will burn municipal waste to fuel the incineration process; and
- (2) is or will be in a solid waste management district established under IC 13-21-3-1 or IC 13-9.5-2-1 (before its repeal);

unless the solid waste management district has incorporated the incinerator as an active part of the district solid waste management plan submitted by the solid waste management district under IC 13-21-5-1 or IC 13-9.5-4-1 (before its repeal) and approved by the commissioner under IC 13-21-5-8, IC 13-21-5-9, or IC 13-9.5-4-3 (before its repeal).

*As added by P.L.1-1996, SEC.12.*

### **IC 13-22-3-9**

#### **Incineration of PCB**

Sec. 9. In addition to any other requirements, a permit may not be issued under this chapter for the construction or operation of a hazardous waste facility to be used for the incineration of PCB or for an ancillary facility required by the incineration process unless the person applying for the permit has demonstrated all of the following:

- (1) That the destruction or treatment technology to be used at the proposed hazardous waste facility has been in operation:
  - (A) at a facility that is equivalent to the proposed hazardous waste facility; and
  - (B) for a time sufficient to demonstrate that:
    - (i) ninety-nine and nine thousand nine hundred ninety-nine ten thousandths percent (99.9999%) of the PCB processed at the equivalent facility has been destroyed; and
    - (ii) a hazardous substance has not been released into another solid, liquid, or gaseous substance by the destruction or treatment technology used in the incineration process.

- (2) That monitoring data from an equivalent hazardous waste facility demonstrates that there are no releases from the equivalent facility that alone or in combination with another substance present a risk of any of the following:

- (A) An acute or a chronic human health effect.
- (B) An adverse environmental effect.

- (3) That a plan to:

- (A) provide sufficient training, coordination, and equipment

for state and local emergency response personnel needed to respond to possible releases of harmful substances from the proposed hazardous waste facility or ancillary facility; and (B) evacuate persons in the geographic area at risk from the worst possible release of:

- (i) the PCB; or
- (ii) a substance produced in the destruction or treatment of the PCB;

from the proposed hazardous waste facility or ancillary facility;

has been funded and developed.

*As added by P.L.1-1996, SEC.12.*

### **IC 13-22-3-10**

#### **Destruction or treatment of chemical munitions**

Sec. 10. In addition to any other requirements, a permit may not be issued under this chapter for the construction or operation of a hazardous waste facility to be used for the destruction or treatment of a chemical munition unless the person applying for the permit has demonstrated all of the following:

(1) That the destruction or treatment technology to be used at the proposed hazardous waste facility has been in operation:

(A) at a facility comparable to the proposed hazardous waste facility; and

(B) for a time sufficient to demonstrate that ninety-nine and nine thousand nine hundred ninety-nine ten thousandths percent (99.9999%) of the chemical munition processed at the comparable facility has been destroyed or treated.

(2) That monitoring data from a comparable hazardous waste facility demonstrates that there are no emissions from the comparable facility that alone or in combination with another substance present a risk of any of the following:

(A) An acute or a chronic human health effect.

(B) An adverse environmental effect.

(3) That a plan to:

(A) provide sufficient training, coordination, and equipment for state and local emergency response personnel needed to respond to possible releases of harmful substances from the proposed hazardous waste facility; and

(B) evacuate persons in the geographic area at risk from the worst possible release of:

- (i) the chemical munition; or
- (ii) a substance related to the destruction or treatment of the chemical munition;

from the proposed hazardous waste facility;

has been funded and developed.

*As added by P.L.1-1996, SEC.12.*